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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,157	03/22/1999	JEFFREY S. MCVEIGH	42390.P7111	8057
MICHAEL A PROKSCH BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 12400 WILSHIRE BOULEVARD 7TH FLOOR LOS ANGELES, CA 900251026			EXAMINER	
			LEE, RICHARD J	
			ART UNIT	PAPER NUMBER
			ILS	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MO	NTHS	02/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)			
Office Action Summary		09/274,157	MCVEIGH ET AL.			
		Examiner	Art Unit			
		Richard Lee	2621			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHOWHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING Donsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period or te to reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICAT 36(a). In no event, however, may a reply but apply and will expire SIX (6) MONTHS to cause the application to become ABANDO	ION. be timely filed from the mailing date of this communication. DNED (35 U.S.C. § 133).			
Status						
2a)⊠	Responsive to communication(s) filed on <u>27 N</u> This action is FINAL . 2b) This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters,				
Dispositi	on of Claims					
5)⊠ 6)⊠ 7)□	Claim(s) 1-4,6,7 and 20-25 is/are pending in the day of the above claim(s) is/are withdraw Claim(s) 1-4,6 and 7 is/are allowed. Claim(s) 20-25 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	wn from consideration.				
Applicati	on Papers	•				
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b) objected to by the drawing(s) be held in abeyance. tion is required if the drawing(s) is	See 37 CFR 1.85(a). s objected to. See 37 CFR 1.121(d).			
Priority u	ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
2) Notice	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date 11/27/06.	4) Interview Sumn Paper No(s)/Ma 5) Notice of Inform 6) Other:	nil Date			

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1. The applicants' arguments from the amendment filed November 27, 2006 have been noted and considered, but are deemed moot in view of the following new grounds of rejections.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 20-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 20 is considered non-statutory subject matter under 35 U.S.C. 101 since the preamble recites a machine readable physical storage medium, essentially defining a computer program per se, and does not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized (se MPEP 2106). And since dependent claims 21-25 are directed to further limitations based on the machine readable physical storage medium of claim 20, claims 20-25 as a whole do no fall within the statutory classes set forth in 35 U.S.C. 101.

- 4. Claims 1-4, 6, and 7 are allowed.
- 5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

PRIMARY EXAMINER

Richard Lee/rl

2/9/07